

CITIZEN'S INDEPENDENT TRANSPORTATION TRUST (CITT)
Compliance & Oversight Committee
Thursday, November 10, 2004
Stephen P. Clark Center
111 NW 1st Street
10th Floor Conference Room
1 p.m.

Summary of Minutes

MEMBERS PRESENT:

Henry Lee Givens
Maureen O'Donnell
Theodore Wilde

Harold Braynon, Jr.
Marc A. Buoniconti

ASSISTANT COUNTY ATTORNEY

Maria Arista-Volsky

OTHERS PRESENT:

Joanna Santiago, OCITT
David Tinder, PWD
Virginia Diaz, OCITT
Zenaida Hernandez, OCITT
Diana González, MDT
Virginia Diaz, OCITT
Jack Furney, OCITT
Dunbar Cornelle, MDT
Teresa Sands, DBD
Heather Fraser, DBD

Mayra Bustamante, MDT
Betty Alexander, DBD
Scott Brand, Citizen
Cathy Lewis, MDT
Pepe Valdes, OCITT
Larry Lebowitz, The Herald
John Prats, OCITT
George Navarrete, MDT
Lourdes Gomez, MDT

ROLL CALL

With a quorum present, Mr. Givens called the meeting to order at 1:14 p.m.

APPROVAL OF AGENDA

Mr. Henry Lee Givens requested that Mr. George Navarrete from Miami-Dade Transit be added to the agenda under the presentations section. Ms. O'Donnell moved for the approval of the revised agenda; seconded by Mr. Buoniconti and carried without dissent.

APPROVAL OF MINUTES

Ms. O'Donnell moved for approval of the July 20, 2004, minutes; seconded by Mr. Buoniconti and carried without dissent.

CITIZENS' COMMENTS

None

PRESENTATIONS/REPORTS/OLD BUSINESS

- A. Ms. Teresa Sands, Professional Support Services Division Director for the Department of Business Development (DBD), presented and distributed information on the race and gender percentage makeup of prime and sub contractors that are doing and/or have done business with Miami-Dade County. The presentation also included information on the Affirmative Action Ordinances and DBD requirements for architectural engineering firms, non-architectural engineering firms, federal construction contractors and non-construction firms. Mr. Givens reiterated his concerns about the lack of minority representation in firms doing business with the County and stressed his interest in obtaining information on the makeup of companies' boards of directors.

Ms. Maria Arista-Volsky, Assistant County Attorney, cautioned the Committee against requesting specific information as to the composition of a company's board of directors which goes beyond what is already gathered in response to the federal program, since the Court ruling prohibits the consideration of race, gender or ethnicity in awarding contracts. In addition, she stated that if any of the these factors are taken into consideration or become part of the discussion in the award of a contract, punitive damages can be assessed against individual Commissioners and members of the CITT as well. Ms. Nan Markowitz, Executive Director, OCITT, also mentioned that including such information could create the perception that it was used as a basis for awarding or not awarding a contract.

Mr. Givens requested clarification on whether the Court ruling also applies to contracts receiving federal dollars. Ms. Arista-Volsky replied that she will request a legal opinion from Mr. Ginsberg, County Attorney, and get back to the Committee.

Mr. Wilde, CITT member, posed the following questions: what federal standards still stand regarding affirmative action; is the federal government still able to ask for affirmative action plans; is it still permissible to collect the same information used in the reports provided today; and what is the position of the Board of County Commissioners (BCC) concerning this matter. Ms. Sands went over the list of required reports and information for non-construction contractors.

- B. Ms. Patricia Rosemond, OCITT, presented and distributed the findings of the informal Business Interruption Survey on what other transit properties have done to assist small businesses affected by construction projects. Discussion followed about the importance of providing information, resources and assistance to small businesses when implementing construction projects. Ms. Markowitz, informed the Committee that she is scheduled to meet with Bruce Libhaber, Assistant County Attorney, to draft language addressing this issue to be included in future Joint Participation Agreements (JPAs).

- C. Mr. George Navarrete, Acting Assistant Director for Miami-Dade Transit (MDT), and Scott Brand, Consultant for Pistorino Allan, presented and distributed information on the Florida City Busway Extension Economic Relief Program for small businesses affected by the construction. Mr. Navarrete also informed the Committee that the economic relief program is not implemented by the contractor but rather by the Consultant, so the construction contract may not be the best place to add these requirements. Mr. Navarrete went on to say that a similar model will be used for future Metrorail Corridor projects. Mr. Givens was pleased with MDT's business mitigation program and requested that Mr. Navarrete and Mr. Brand be invited to the meeting with Mr. Libhaber for their input on future JPAs. Mr. Givens requested that the proposed language for future JPAs be presented to the Compliance & Oversight Committee at its December 2004 meeting.

ACTION ITEMS

None

CITIZENS' COMMENTS

None

NEW BUSINESS

None

ANNOUNCEMENTS

The next Compliance & Oversight committee meeting is scheduled for December 7, 2004 at 1 p.m. at the Stephen P. Clark Center, 10th floor CITT conference room.

ADJOURNMENT

The meeting adjourned at 2:15 PM.

*****MINUTES ARE IN SUMMARY FORM***
FOR A COPY OF THE AUDIO TAPES, PLEASE REQUEST
MIAMI-DADE OCITT AT 305-375-3481**